IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 520 Of 2002

IN

SUMMARY SUIT NO. 1288 OF 2004

Vantage Advertising Ltd. .. Plaintiff

versus

M/s.Silicon Interfaces P.Ltd. .. Defendant

...

Mr.R. D'Souza i/b Monica Sakhrani for the plaintiff.

Mr.N.R. Engineer i/b Desai & Diwanji for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 5th April 2005.

P.C.:

1. Heard the learned counsel for the parties.

2. Admittedly, the defendant has not performed atleast one part of the contract to it in its entirety. In paragraph no.12 of the plaint, the plaintiff himself has given that he could not carry

the advertisement of the defendant for the full period of the contract. What remission the defendant is entitled to and what damages it is entitled raises triable issues in the suit.

3. In the circumstances, the defendants are granted unconditional leave to defend the suit. The suit shall stand transferred to the list of commercial causes. The defendant to file written statement within a period of four weeks.

D.G. KARNIK, J